

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/664,991

Customer No. 23379

Applicant: Bjeldanes et al.

Confirmation No. 4613

Filed: Sep 16, 2003

Group Art Unit: 1614

Docket No. B03-074-1

Examiner: Betton, Timothy E

Title: 3,3'-Diindolylmethane Antiandrogenic
Compositions

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

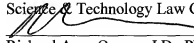
Dear Commissioner:

Thank you for the non-final Office Action dated Aug 27, 2007.

The only outstanding issue is a rejection under 35USC103(a) over Nachschon-Kedmi et al. (Food and Chemical Toxicology 41, 2003, 745-52) in view of Safe (US2002/0115708). As confirmed in the attached Declaration under 37CFR1.131, the primary reference, Nachschon-Kedmi, is not applicable prior art. In particular, the present inventors invented the claimed subject matter prior to Nachschon-Kedmi's Jun 2003 publication.

The secondary reference, Safe, teaches no more than the inventors prior publications showing that DIM can inhibit the proliferation of androgen-independent cells (Specification, p.2, lines 6-7). Safe reports that in an androgen-insensitive prostate cell line (22Rv1), DIM is a weak inducer of a cytochrome P450 enzymatic activity (EROD) and an antagonist of the induction of this activity by the environmental contaminant TCDD; and that DIM can inhibit the proliferation of two androgen-insensitive prostate cells lines (22Rv1 and PC3, the latter do not even express androgen receptor). There is nothing in this secondary reference suggesting DIM is an antiandrogen; in fact, it was the present inventors who first made (and disclosed in the subject application) the surprising discovery that DIM is a potent antiandrogen. Specification, p.2, lines 10-12.

Respectfully submitted,
Science & Technology Law Group


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